

UNITED STATES BANKRUPTCY COURT
DISTRICT OF NEW JERSEY

**Caption in Compliance with D.N.J. LBR
9004-2(c)**

Derek J. Baker, Esquire (1998001688)
Brian M. Schenker, Esquire
Lauren S. Zabel, Esquire (012132010)
REED SMITH LLP
506 Carnegie Center, Suite 300
Princeton, New Jersey 08540
Telephone: 609-987-0050
Fax: 609-951-0824
dbaker@reedsmith.com
bschenker@reedsmith.com
Counsel for BEB Bergen Ave, LLC

**UNITED STATES BANKRUPTCY
COURT
DISTRICT OF NEW JERSEY**

Caption in Compliance with D.N.J. LBR
9004-2(c)

In re:

SUPOR PROPERTIES BERGEN AVENUE
LLC

Debtor

Chapter 11

Case No. 23-15758-SLM

**ORDER (I) APPROVING THE DISCLOSURE STATEMENT ON AN INTERIM
BASIS; (II) SCHEDULING A COMBINED HEARING ON FINAL APPROVAL OF
THE DISCLOSURE STATEMENT AND PLAN CONFIRMATION AND
DEADLINES RELATED THERETO; (III) APPROVING THE CONFIRMATION
HEARING NOTICE; AND (IV) GRANTING RELATED RELIEF**

The relief set forth on the following pages, numbered two (2) through five (5), is hereby
ORDERED.

Upon consideration of the *Motion of BEB Bergen Ave, LLC for Entry of an Order (I) Approving the Disclosure Statement on an Interim Basis; (II) Scheduling a Combined Hearing on Final Approval of the Disclosure Statement and Plan Confirmation and Deadlines Related Thereto; (III) Approving the Confirmation Notice; and (IV) Granting Related Relief* (the “**Motion**”),¹ by and through counsel for BEB Bergen Ave, LLC. (the “**Movant**”); and based on the record in the chapter 11 case of Supor Properties Bergen Avenue LLC’s (the “**Debtor**”); and the Court having jurisdiction over this matter pursuant to 28 U.S.C. §§ 157 and 1334 and the *Standing Order of Reference to the Bankruptcy Court Under Title 11* of the United States District Court for the District of New Jersey, dated September 18, 2012; and the Court having found that this is a core proceeding pursuant to 28 U.S.C. § 157(b)(2) with the Court having jurisdiction to enter a final order consistent with Article III of the United States Constitution; and the Court having found that venue of this proceeding and the Motion in this District is proper pursuant to 28 U.S.C. §§ 1408 and 1409; and it appearing that sufficient notice of the Motion has been given; and the Court having found that the relief requested in the Motion is in the best interests of the Debtor’s estate, its creditors, and other parties-in-interest; and the Court having reviewed the Motion and having considered the statements in support of the relief requested therein at hearing; and the Court having determined that the legal and factual bases set forth in the Motion establish just cause for the relief granted herein; and upon all of the proceeding had before the Court; and after due deliberation and good cause appearing therefor;

IT IS HEREBY ORDERED THAT:

1. The Motion is **GRANTED** to the extent set forth herein.
2. The Disclosure Statement is approved on an interim basis under section 1125 of the Bankruptcy Code and Bankruptcy Rule 3017. Any objections to the adequacy of the information contained in the Disclosure Statement are expressly reserved for consideration at

¹ Capitalized terms not otherwise defined herein shall have the meanings ascribed to them in the Motion

the Confirmation Hearing.

3. The “Cover Letter” attached to the Motion as Exhibit A is approved.
4. The “Confirmation Hearing Notice” attached to the Motion as Exhibit B is approved.
5. The form of “Ballot” attached to the Motion as Exhibit C is approved.
6. The form of “Notice of Non-Voting Status” attached to the Motion as Exhibit D is approved.
7. The tabulation rules set forth in the Motion are approved and incorporated herein.
8. The contents of the “Solicitation Package” and “Information Package” set forth in the Motion are approved and incorporated herein.
9. The Confirmation Schedule is approved as follows:

EVENT	DATE
Deadline to Serve Solicitation Packages and Information Packages	December 11, 2023
Deadline to Object to final approval of the Disclosure Statement and Confirmation of the Plan	January 9, 2024
Voting Deadline	January 9, 2024
Deadline for Movant to File Confirmation Brief and/or Reply to any Objection to final approval of Disclosure Statement or Plan	January 18, 2024
Deadline to File Voting Tabulation	January 18, 2024
Combined Hearing on Final Approval of the Disclosure Statement and Confirmation of the Plan	January 23, 2024

10. Objections to the adequacy of the Disclosure Statement and confirmation of the Plan, if any, must (i) be in writing, (ii) state with particularity the basis and nature of any objection to the Disclosure Statement, the Plan and, if practicable, a proposed modification to the Plan that would resolve such objection; and (iii) be filed with the Clerk of the Bankruptcy Court (x) electronically by attorneys who regularly practice before the Bankruptcy Court in accordance with the *General Order Regarding Electronic Means for Filing, Signing, and Verification of Documents* dated March 27, 2002 (the “**General Order**”) and the *Commentary Supplementing Administrative Procedures* dated as of March 2004 (the “**Supplementary Commentary**”) (the General Order, the Supplementary Commentary, and the User’s Manual for Electronic Case Filing System can be found at the Bankruptcy Court’s official website, www.njb.uscourts.gov) and, (y) by all other parties-in-interest, on CD-ROM in Portable Document Format (PDF) mailed to the Clerk of the United States Bankruptcy Court for the District of New Jersey, 50 Walnut Street, 3rd Floor, Newark, New Jersey 07102, such as to be received for filing by the Objection Deadline, and in both instances shall be served in accordance with the General Order and Supplementary Commentary, so as to be received no later than the Objection Deadline. Any objections that fail to comply with the requirements set forth in this Order may, in the Court’s discretion, not be considered and may be overruled.

11. Votes accepting or rejecting the Plan must be returned so as to be received by **5:00 p.m. (Eastern) on January 9, 2024**, as set forth in the Confirmation Hearing Notice and pursuant to the instructions contained in the Ballot.

12. The Movant is authorized to make non-material changes to the Disclosure Statement, Plan, Confirmation Hearing Notice, and related pleadings without further order of the Court (but subject to providing the Office of the United States Trustee a redline of such

changes prior to filing the applicable pleadings with such changes), including without limitation, changes to correct typographical and grammatical errors and to make conforming changes among the foregoing documents before their distribution.

13. The Confirmation Hearing may be continued from time to time by the Court or the Movant without further notice other than adjournments announced in open court.

14. The Movant is hereby authorized to take any action necessary or appropriate to implement the terms of, and the relief granted in, this Order without seeking further order of the Court.

15. The terms and conditions of this Order shall be immediately effective and enforceable upon entry of this Order.

16. The Court retains jurisdiction with respect to all matters arising from or related to the implementation of this Order.